APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,835	11/19/2003	Kazuhito Gassho	Q78470	3632

72875   7590   07/03/2008
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EXAMINER
NGUYEN, ALLEN H

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
07/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	10/715,835	GASSHO ET AL.
Office Action Summary	Examiner	Art Unit	
	ALLEN H. NGUYEN	2625	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,8 and 10* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,3,4,8 and 10* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *28 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All b)☐ Some * c)☐ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 04/30/2008 has been entered.

Priority

2.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d),

which papers have been placed of record in the file.

Response to Arguments

3.   Applicant's arguments filed 03/31/2008 have been fully considered but

they are not persuasive.

4.   With respect to applicant's argument that Suzuki does not disclose "a

communication module that, before transmitting the print job to a printer,

transmits only the inclusive attribute information to the printer to cause the

printer to determine whether or not the printer is capable of executing the print

job," as recited in claim 1.

In reply: Suzuki '163 discloses a print job management device (Print Processing device, fig. 27) that manages print jobs, comprising:

a communication module (Object Processing Section 208, fig. 27) that, before transmitting the print job to a printer (Job Execution Section 204, lines 25-28, fig. 27), transmits only the inclusive attribute information to the printer (i.e., the object processing section 208 also reads document attribute, such as the location of document data and paper size on which the data are printed, from the object file 209 and sends that document attribute to the job execution section 204; Col. 42, lines 62-65) to cause the printer to determine whether or not the printer is capable of executing the print job (When the request control section 211 accepted a job, it is checked whether or not the attributes, i.e., parameters of the job and a document of that job are valid before the job is processed by the job scheduling section 212 as step S1 of fig. 31; Col. 45, lines 48-51, fig. 28).

Claim Objections

5.   Claim 4 is objected to because of the following informalities:

Claim 4, line 2, "20" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.   Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 10 is drawn to functional

descriptive material NOT claimed as residing on a computer readable medium.

MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

> "Data structures not claimed as embodied in a computer-readable medium
> are descriptive material per se and are not statutory because they are not
> capable of causing functional change in the computer."

> "Such claimed data structures do not define any structural or functional
> interrelationships between the data structure and other claimed aspects of the
> invention which permit the data structure's functionality to be realized."

Claim 10, while defining a **program** (whatever is claimed; e.g., a computer

program, an algorithm, a medium, a program providing medium, a memory, etc.),

does not define a "computer-readable medium" and is thus non-statutory for that

reasons. A program (whatever is claimed; e.g., a computer program, an

algorithm, a medium, a program providing medium, a memory, etc.) can range

from paper on which the program is written, to a program simply contemplated

and memorized by a person. The examiner suggests amending the claim to

embody the program on "computer-readable medium" in order to make the claim

statutory.

> "In contrast, a claimed computer-readable medium encoded with the data
> structure defines structural and functional interrelationships between the data
> structure and the computer software and hardware components which permit the
> data structure's functionality to be realized, and is thus statutory." - MPEP
> 2106.IV.B.1(a)

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 1, 3-4, 8 are rejected under 35 U.S.C. 102(b) as being anticipated

by Suzuki et al. (US 6,606,163).

Regarding claim 1, Suzuki '163 discloses a print job management device

(Print Processing device, fig. 27) that manages print jobs, comprising:

an input module (Job Acceptance Section 201, fig. 27) that inputs a print

job of printing a plurality of pages (i.e., the job acceptance section 201 accepts a

job input from a client workstation through a network N and unifies various types

of format of received jobs into a job format defined by this print processing

device; Col. 41, lines 60-65), the print job including a plurality of page data and

page attribute information for each page (i.e., the printing system effects printing

of the plurality of documents corresponding to attributes of the documents under

control of a job scheduling device; See Abstract), each page data representing

one of the plurality of pages (fig. 30B), the page attribute information being

disposed at each page of the print job (i.e., data 280 delivered from the client is

made up of a job attribute 281 which servers as a header of the data; Col. 44,

lines 65-67 and col. 45, lines 1-4, fig. 30A);

a generation module (Object Management Section 210d, fig. 27) that extracts said attribute information from said print job and generates inclusive attribute information that contains said attribute information (i.e., the object management section 210d writes attribute information relating to a job requested by the client into the object file 209 using the object processing section 208, and reads information of a necessary object from the object file 209 through the object processing section 208 as needed; Col. 42, lines 54-58);

a communication module (Object Processing Section 208, fig. 27) that, before transmitting the print job to a printer (Job Execution Section 204, lines 25-28, fig. 27), transmits only the inclusive attribute information to the printer (i.e., the object processing section 208 also reads document attribute, such as the location of document data and paper size on which the data are printed, from the object file 209 and sends that document attribute to the job execution section 204; Col. 42, lines 62-65) to cause the printer to determine whether or not the printer is capable of executing the print job (When the request control section 211 accepted a job, it is checked whether or not the attributes, i.e., parameters of the job and a document of that job are valid before the job is processed by the job scheduling section 212 as step S1 of fig. 31; Col. 45, lines 48-51, fig. 28).

Regarding claim 3, Suzuki '163 discloses a print job management device (Print Processing device, fig. 27), wherein said generation module (Object Management Section 210d, fig. 27) further attaches said inclusive attribute information to a header of said print job (i.e., data 280 delivered from the client is

made up of a job attribute 281 which serves as a header of the data, and a

number of document data items (n) 282-1, 282-2, . . . 282-n which serve as a

data portion of the data. A document attribute is added to substance of each of

the document data items 282-2, 282-2, . . . 282-n; see col. 44, lines 66-67 and

col. 45, lines 1-5, fig. 30A).

Regarding claim 4, Suzuki '163 discloses a print job management device

(Print Processing device, fig. 27), further comprising: a status management

module (Queue Management Section 214, fig. 28) that manages said print job in

coordination with a predetermined status (i.e., Scheduling is carried out allowing

for an assignment and processing conditions of the job execution section, and a

print processing request is issued to the job execution section by transferring a

job stored in the queue management section 214 to the job execution section;

Col. 16, lines 10-15, fig. 28);

wherein if said print job is in a status of contents analysis (A job status

which is carried out by an attribution modification section, figs. 45-46), said

generation module performs said extraction in conjunction with said analysis (see

col. 16, lines 15-25).

Regarding claim 8, claim 8 is the method claim of device claim 1.

Therefore, method claim 8 is rejected for the reason given in device claim 1.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

11.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Suzuki et al. (US 6,606,163) in view of Utsunomiya (US 7,034,954).

        Regarding claim 10, Suzuki '163 discloses a module that inputs a print job

of printing a plurality of pages (i.e., the job acceptance section 201 accepts a job

input from a client workstation through a network N and unifies various types of

format of received jobs into a job format defined by this print processing device;

Col. 41, lines 60-65), the print job including a plurality of page data and page

attribute information for each page (i.e., the printing system effects printing of the

plurality of documents corresponding to attributes of the documents under control

of a job scheduling device; see Abstract), each page data representing one of the

plurality of pages (fig. 30B), the page attribute information being disposed at

each page of the print job (i.e., data 280 delivered from the client is made up of a

job attribute 281 which servers as a header of the data; Col. 44, lines 65-67 and

col. 45, lines 1-4, fig. 30A);

        a module (Object Management Section 210d, fig. 27) that extracts said

attribute information from said print job and generates inclusive attribute

information that contains said attribute information (i.e., the object management

section 210d writes attribute information relating to a job requested by the client

into the object file 209 using the object processing section 208, and reads

information of a necessary object from the object file 209 through the object

processing section 208 as needed; Col. 42, lines 54-58);

a program code (Object Processing Section 208, fig. 27) that, before

transmitting the print job to a printer (Job Execution Section 204, lines 25-28, fig.

27), transmits only the inclusive attribute information to the printer (i.e., the object

processing section 208 also reads document attribute, such as the location of

document data and paper size on which the data are printed, from the object file

209 and sends that document attribute to the job execution section 204; Col. 42,

lines 62-65) to cause the printer to determine whether or not the printer is

capable of executing the print job (When the request control section 211

accepted a job, it is checked whether or not the attributes, i.e., parameters of the

job and a document of that job are valid before the job is processed by the job

scheduling section 212 as step S1 of fig. 31; Col. 45, lines 48-51, fig. 28).

Suzuki '163 does not explicitly show a recording medium that is recorded

with a computer program for managing print jobs <u>for use in a computer, the</u>

<u>computer being coupled to a printer which is separate from the computer,</u>

comprising: a program code.

However, the above-mentioned claimed limitation is well known in the art

as evidenced by Utsunomiya '954. In particular, Utsunomiya '954 teaches a

recording medium that is recorded with a computer program for managing print

jobs (i.e., a CPU 3701 executes control programs stored on a storage medium

such as ROM 3702, hard disk (HD) 3711, floppy disk (FD) 3712, or the like and

integratedly controls each device that is connected to a system bus 3704; Col.

19, lines 19-22, fig. 21) for use in a computer (Host Computer 100/200, figs. 1,

21), the computer being coupled to a printer (Printer 150, fig. 1) which is separate

from the computer (Fig. 1), comprising: a program code (i.e., an apparatus (CPU

3607, CPU 3701) of the system reads out and executes the program codes

stored on the storage medium; see col. 20, lines 60-62).

In view of the above, having the system of Suzuki '163 and then given the

well-established teaching of Utsunomiya '954, it would have been obvious to one

having ordinary skill in the art at the time of the invention was made to modify the

system of Suzuki '163 as taught by Utsunomiya '954 to include: a recording

medium that is recorded with a computer program for managing print jobs for use

in a computer, the computer being coupled to a printer which is separate from the

computer, comprising: a program code, since Utsunomiya stated in col. 21, lines

10-15 that such a modification would ensure the program codes themselves read

out from the storage medium realize the functions of the embodiments and the

server apparatus which sent the program codes constructs the invention.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Okada et al. (US 5,880,447) discloses data output controller and data output system using this output controller.

White et al. (US 6,952,726) discloses automatic job resource usage and retrieval.

Suzuki et al. (US 2002/0041386) discloses image input and output system, method and recording medium.

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALLEN H. NGUYEN whose telephone number is (571)270-1229. The examiner can normally be reached on M-F from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571)-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/A. H. N./
Examiner, Art Unit 2625
06/25/2008